

UNITED STATES **DISTRICT COURT**
EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
By Attorney General KATHLEEN G. KANE,

Plaintiff,

v.

THINK FINANCE, INC., et al.,

Defendants.

CIVIL ACTION

No. 14-cv-07139-JCJ

**ANSWER AND AFFIRMATIVE DEFENSES OF SELLING SOURCE, LLC AND
PARTNERWEEKLY, LLC TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendants Selling Source, LLC and PartnerWeekly, LLC by their undersigned attorneys, hereby answer Plaintiff's First Amended Complaint and assert Affirmative Defenses thereto as follows:

1. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

2. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

3. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

4. Denied.

5. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

6. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied. By way of further answer, after reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

7. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

8. Admitted only that plaintiff is appearing through Attorney General Kathleen Kane. Denied that the Attorney General is legally authorized to appear on behalf of plaintiff or to prosecute plaintiff's case because she is suspended and barred from the practice of law in Pennsylvania.

9. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

10. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

11. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

12. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

13. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

14. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

15. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

16. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

17. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

18. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

19. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

20. Admitted and denied. Admitted that Selling Source, LLC is a Delaware limited liability company located in Las Vegas, Nevada; that it owns PartnerWeekly, LLC, a Nevada limited liability company located at 325 E. Warm Springs Road, Las Vegas, Nevada, which markets leads; that the companies are not registered nor required to be registered with the Pennsylvania Department of State Corporation Bureau. In all other respects, the averments of this paragraph are denied.

21. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

22. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

23. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

24. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

25. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

26. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

27. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

28. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

29. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

30. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

31. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

32. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

33. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

34. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

35. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

36. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

37. The allegations of this paragraph are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

38. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

39. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

40. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

41. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

42. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

43. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

44. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

45. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

46. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

47. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

48. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

49. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

50. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

51. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

52. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

53. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

54. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

55. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

56. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

57. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

58. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

59. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

60. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

61. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

62. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

63. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

64. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

65. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

66. Denied. The allegations of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of this paragraph are denied.

67. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

68. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

69. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

70. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

71. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

72. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

73. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

74. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

75. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

76. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

77. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

78. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

79. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

80. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

81. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

82. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

83. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

84. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

85. Denied.

86. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments set forth in this paragraph and they are, therefore, denied.

87. Admitted and denied. Admitted only that answering defendants entered into a Consent Agreement which speaks for itself. In all other respects, the averments of this paragraph are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, those averments are denied.

88. Denied.

89. Denied.

90. Denied.

COUNT ONE

91 - 101. The allegations of these paragraphs are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

COUNT TWO

102 - 109. The allegations of these paragraphs are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

COUNT THREE

110. Answering defendants incorporate herein by reference as if set forth at length their answers to all prior paragraphs of plaintiff's Amended Complaint.

111 - 116. Denied. The allegations of these paragraphs are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of these paragraphs are denied.

COUNT FOUR

117-126. The allegations of these paragraphs are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

COUNT FIVE

127. Answering defendants incorporate by reference as if set forth herein at length their answers to all preceding paragraphs of plaintiff's Amended Com-plaint.

128-142. Denied. The allegations of these paragraphs are conclusions of law to which no response is required. To the extent that a response may be deemed to be required, the allegations of these paragraphs are denied.

COUNT SIX

143-153. The allegations of these paragraphs are directed to a party or parties other than answering defendants and, therefore, no response is required or provided.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint should be dismissed for lack of subject matter jurisdiction.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint should be dismissed for lack of personal jurisdiction.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint should be dismissed for lack of and failure to join indispensable parties.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint should be dismissed for failure to state any claims upon which relief can be granted.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint and/or some of the claims and allegations are barred by applicable statutes of limitation.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint misinterprets and misapplies the Pennsylvania and United States statutes upon which the claims and relief are asserted.

SEVENTH AFFIRMATIVE DEFENSE

Attorney General Kathleen Kane is not legally authorized to appear on plaintiff's behalf or to prosecute plaintiff's case because she is suspended and barred from the practice of law in Pennsylvania.

EIGHTH AFFIRMATIVE DEFENSE

Answering defendants are not lenders, do not arrange or collect loans, and, therefore, have not violated the statutes and laws of Pennsylvania or the United States.

DAVIS, PARRY & TYLER, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the third day of February, 2015, the foregoing document was filed electronically on the CM/ECF system, which caused counsel for all parties to be served via email from the ECF system. The document is available for viewing and downloading from the ECF system.

DAVIS, PARRY & TYLER, P.C.

By: /s/ Lloyd George Parry

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